

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

KENNY JAMES TRAVIS, JR.,

Plaintiff

v.

MICHAEL RUSSELL, et al.,

Defendants

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Case 3:06CV0009WRW


ORDER

Plaintiff filed this action on January 25, 2006 proceeding *pro se*. Plaintiff has not filed the appropriate \$250.00 civil filing fee for this action nor has he requested leave to proceed *in forma pauperis*. Under the Prison Litigation Reform Act (“PLRA”), a prisoner who is permitted to file a civil action *in forma pauperis* still must pay the full statutory filing fee of \$250. 28 U.S.C. §1915(b)(1). The only question is whether a prisoner will pay the entire filing fee at the initiation of the proceeding or in installments over a period of time. *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998). Even if a prisoner is without assets and unable to pay an initial filing fee, he will be allowed to proceed with his section 1983 claims and the filing fee will be collected by the Court in installments from the prisoner’s inmate trust account. 28 U.S.C. § 1915(b)(4). If the prisoner’s case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief, the full amount of the \$250.00 filing fee will be collected and no portion of this filing fee will be refunded to the prisoner.

The PLRA requires that Plaintiff submit a proper and complete Application to Proceed *In*

Forma Pauperis, along with a calculation sheet, prepared and signed by an authorized officer of the Detention Center. Based on information contained in the Application and calculation sheet, the Court will assess an initial, partial filing fee if sufficient funds exist and will direct the future collection of monthly installment payments until the filing fee is paid in full. 28 U.S.C § 1915(b)(1) and (2). Plaintiff is therefore directed to submit, within thirty (30) days from entry of this Order, either: (1) the statutory filing fee of \$250.00; or (2) a proper and complete Application to Proceed *In Forma Pauperis*, with the required calculation sheet signed by an authorized official of the detention center at which he is confined. Plaintiff's failure to timely respond to this Order will result in dismissal of this action. The Clerk of the Court is requested to send the Plaintiff the appropriate *in forma pauperis* forms.

DATED this 10th day of April, 2006.


MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT